



City of
HUNTINGTON PARK california
COMMUNITY DEVELOPMENT DEPARTMENT

6550 MILES AVENUE
HUNTINGTON PARK, CA 90255

DATE: May 17, 2012

TO: Honorable Chair and Board Members of the Oversight Board

FROM: Jack Wong, Staff from the Successor Agency to the former Huntington Park Community Development Commission

SUBJECT: Discussion and Action Regarding Soliciting and Retaining Legal Counsel for the Oversight Board

BACKGROUND

On May 3, 2012, the Oversight Board directed staff to make recommendation as to the process to retain legal counsel for the Oversight Board.

Solicitation Process:

The typical process for cities, counties and other public agencies to retain outside legal counsel is to conduct an open and fair recruitment of law firms or attorneys through a request for qualification (RFQ) or a request for proposals (RFP). The solicitation process will request statements of qualifications, background, experience, and particular expertise in certain areas of public law from qualified, eligible, and interested attorneys or law firms. We have included a draft RFQ/RFP for your review and approval which requests the following information: 1) a description of the firm/attorney, resumes of designated attorneys, three to five references of work for similar work with public agencies, a description of the services available, and a proposed hourly rate schedule.

Following the Oversight Board's approval of the RFQ/RFP, staff would issue the RFQ/RFP with a 30 day response deadline. Staff would review proposals and recommend the top three firms for Oversight Board interviews.

Once the Oversight Board selects the law firm or attorney, staff would bring back an agreement at a subsequent meeting for the Oversight Board approval of an agreement.

ANALYSIS

Staff is providing a draft outline of the Scope of Work for the legal services for your consideration and inclusion in the RFQ/RFP.

1. Attend Oversight Board open public meetings and closed session meetings
2. Review agenda items in advance of Oversight Board meeting including notices, staff reports, resolution and other documents

3. Provide advisory services, conduct legal review and analysis, and prepare oral and/or written opinions as directed by the Oversight Board
4. Participate in meetings with the Successor Agency staff and/or Successor Agency legal counsel, as necessary and as directed by the Oversight Board
5. Participate in the meetings and consultation with Oversight Board members subject to the Brown Act.

FISCAL IMPACT

The cost for legal services can range between \$2,000 and \$10,000 per month for oversight board legal services depending on the level of time the legal service are used. A budget of \$5,000 per month is recommended to be included in the Administrative Budget on the ROPS.

RECOMMENDATION

Staff recommends the Oversight Board to review and approve the attached draft Request for Proposal and authorize staff to start the recruitment process for Oversight Board legal counsel.

Request for Qualifications (RFQ)
For Legal Services
for the Oversight Board to the Successor Agency
to the former Redevelopment Agency of the City of Huntington Park

Under the AB X1 26 (Chapter 5, Statutes of 2011), an Oversight Board ("Board") was established to oversee the actions of the Successor Agency for the dissolved Redevelopment Agency of the City of Huntington Park. The Board is seeking the services of an attorney with a professional law firm or an experienced sole practitioner to serve as Legal Counsel to the Board to provide oversight of Board operations, lending practices for development projects and other corporation services and activities.

The term of the engagement would be for Fiscal Year 2012-2013, but could commence sooner than July 1st, and the contract would likely be extended from year to year until the Board completes its work and is dissolved or is merged with the other oversight boards in Los Angeles County in 2016, as required under AB X1 26. Either party could terminate the engagement with forty-five (45) days prior written notice.

Interested firms or individuals should be versed in California Redevelopment Law and AB X1 26, and have experience advising public bodies on the Brown Act, Political Reform Act and the Public Records Act. The firm or individual should also have experience with public contracting, public finance (bonds), and redevelopment-funded development projects and activities, as well as experience with real estate transactions including financing and disposition of properties.

The selected Legal Counsel would advise the Board and would be expected to work closely with counsel from the various taxing entities with appointments to the Board or who receive property tax revenues. Due to conflicts of interest, the Legal Counsel and its firm could not be in an adversary position with the agencies that appointed the Oversight Board members, nor could it represent private developers under existing contracts with the prior dissolved Redevelopment Agency of the City of Huntington Park for redevelopment projects which have not yet been completed.

The Board Rules of Procedure provide that the Legal counsel may not be employed by: (i) the Huntington Park Successor Agency; (ii) any of the entities with appointments to the Board; (iii) any of the affected taxing entities which may receive funding pursuant to AB X1 26. Any law firm or individual currently under contract with the agencies that appointed the Oversight Board members and the other taxing entities may apply, but it is desirable that the Legal Counsel be independent from such agencies. For firms or individuals that represent agencies in litigation matters only, it is anticipated that the applicable entity would provide an express waiver of any conflict to allow the Oversight Board to select such firm or individual.

The Oversight Board members are as follows:

1. Elba Guerrero, Vice Mayor of the City of Huntington Park, appointed by Mayor of City of Huntington Park (Chair)
2. Michelle Cervera, Senior Legislative Deputy, appointed by the LA County (Vice-Chair)
3. Albert Fontanez, Senior Planner, appointed by Mayor of Huntington Park
4. Eduardo Adame, Caseworker/Field Assistance, appointed by the LA County
5. Luis Buendia, Interim Controller, appointed by the Los Angeles Unified School District
6. Richard Verches, appointed by the Chancellor California Community College
7. Richard L. Rodriguez, appointed by Consolidated Fire Protection District

Scope of Services:

The scope of services of the Legal Counsel would include, but is not limited to the following:

- Advise the Board on legal authority and liability for actions taken in the ordinary course of business
- Advise the Board on actions necessary to protect the Board members from personal liability and protect the assets of the dissolved agency from liability and attachment
- Revise and advise the Board on the recommendations from City/Successor Agency staff regarding contracting issues
- Review and advise the Board on recommendations from City/Successor Agency on refinancing matters, overseeing completion of redevelopment projects, and disposition of property and other assets
- Provide advice on legislative matters which may affect the Board (exclusive of lobbying)
- Represent the Board in connection with any inquiry, investigation, audit or other proceedings of state regulatory agencies
- Engage in any other legal matter reasonably requested by the Board

Experience and Qualifications:

The Legal Counsel should have knowledge and experience in the following areas of law: California Redevelopment Law, AB X1 26, Brown Act, Political Reform Act, Public Records Act, contracts and bond financing and lending. It would also be beneficial if the firm or individual has experience with real property development and disposition. Knowledge and experience in the other areas of public law would also be desirable and may be considered.

Submittal Content:

1. A one page cover letter with the name and contact information of the proposed lead attorney.
2. Description of the qualifications and experience of the proposed lead attorney and any associate(s) to be assigned to work for the Board in the areas of law listed above.
3. Three client references

4. List of current hourly rates for each attorney and support staff proposed to be assigned to work for the Board.

Submittal Procedures:

Please submit your proposal by no later than _____

By email: